

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Pacific Capro Industries d/b/a Capro,)
)
)
Plaintiff,) C/A NO. 4_07-00333-RBH
)
vs.)
)
Global Advantage Distribution Warehouse,) **ORDER**
LLC, d/b/a Global Advantage Distribution)
Warehouse, Inc.,)
)
Defendant.)
)

Before the Court is defendant's motion to dismiss the plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(6). [Docket Entry # 13]. The Court held a hearing on the motion on March 20, 2008.

The Complaint was filed within this Court's diversity jurisdiction and purports to allege causes of action for breach of contract, intentional and negligent misrepresentation, conversion, violation of the South Carolina Unfair Trade Practices Act, and tortious interference with contract.

When reviewing a Rule 12(b)(6) motion for failure to state a claim, “[t]he plaintiff's ‘factual allegations must be enough to raise a right to relief above the speculative level. *Bell Atl. Corp. v. Twombly*, 127 S.Ct. 1955, 1965 (2007). [O]nce a claim has been stated adequately, it may be supported by showing any set of facts consistent with the allegations in the complaint. *Id.* at 1969. A complaint attacked by a Rule 12(b)(6) motion to dismiss will survive if it contains ‘enough facts to state a claim to relief that is plausible on its face. *Id.* at 1974.” *Self v. Norfolk Southern Corp.*, No. 07-1242, 2008 WL 410284, at *1 (4th Cir. Feb. 13, 2008).

After considering the arguments of counsel and the briefs that have been filed with the Court, the Court finds that the pleadings in the case at bar are sufficient to give the defendant notice of the claims.

Conclusion

For the foregoing reasons, the Court **DENIES** the defendant's motion to dismiss. Defendant's motion for protective order is denied as moot. The Clerk shall enter a scheduling order in the case forthwith.

AND IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell
United States District Court Judge

March 24, 2008
Florence, South Carolina